

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(a) PLAINTIFFS

DEFENDANTS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff	3 Federal Question (U.S. Government Not a Party)
2 U.S. Government Defendant	4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF	
Citizen of This State	1	1	Incorporated or Principal Place of Business In This State	4	4
Citizen of Another State	2	2	Incorporated and Principal Place of Business In Another State	5	5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	PERSONAL INJURY	610 Agriculture	422 Appeal 28 USC 158	400 State Reapportionment
120 Marine	310 Airplane	362 Personal Injury—Med. Malpractice	620 Other Food & Drug	423 Withdrawal 28 USC 157	410 Antitrust
130 Miller Act	315 Airplane Product Liability	365 Personal Injury—Product Liability	625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	430 Banks and Banking
140 Negotiable Instrument	320 Assault, Libel & Slander	368 Asbestos Personal Injury Product Liability	630 Liquor Laws	450 Commerce/ICC Rates/etc.	
150 Recovery of Overpayment & Enforcement of Judgment	330 Federal Employers' Liability	370 Other Fraud	640 R.R. & Truck	460 Deportation	
151 Medicare Act	340 Marine	371 Truth in Lending	650 Airline Regs.	470 Racketeer Influenced and Corrupt Organizations	
152 Recovery of Defaulted Student Loans (excl. vet.)	345 Marine Product Liability	380 Other Personal Property Damage	660 Occupational Safety/Health	480 Consumer Credit	
153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	385 Property Damage	690 Other	490 Cable/Satellite TV	
160 Stockholders' Suits	355 Motor Vehicle Product Liability	Product Liability	LABOR	810 Selective Service	
190 Other Contract	360 Other Personal Inj.	Product Liability	710 Fair Labor Standards Act	850 Security/Commodity/Exch.	
195 Contract Product Liability			720 Labor/Mgmt. Relations	875 Customer Challenge 12 USC 3410	
196 Franchise			730 Labor/Mgmt. Reporting & Disclosure Act	891 Agricultural Acts	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	740 Railway Labor Act	892 Economic Stabilization Act	
210 Land Condemnation	441 Voting	510 Motions to Vacate Sentence	790 Other Labor Litigation	893 Environmental Matters	
220 Foreclosure	442 Employment	Habeas Corpus:	791 Empl. Ret. Inc. Security Act	894 Energy Allocation Act	
230 Rent Lease & Ejectment	443 Housing/ Accommodations	530 General	870 Taxes (U.S. Plaintiff or Defendant)	895 Freedom of Information Act	
240 Torts to Land	444 Welfare	535 Death Penalty	871 IRS—Third Party 26 USC 7609	900 Appeal of Fee Determination Under Equal Access to Justice	
245 Tort Product Liability	445 ADA—Employment	540 Mandamus & Other		950 Constitutionality of State Statutes	
290 All Other Real Property	446 ADA — Other	550 Civil Rights		890 Other Statutory Actions	
	440 Other Civil Rights	555 Prison Condition			

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding	2 Removed from State Court	3 Remanded from Appellate Court	4 Reinstated or Reopened	5 Transferred from another district (specify)	6 Multidistrict Litigation	7 Appeal to District Judge from Magistrate Judgment
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VI. CAUSE OF ACTION (Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)

VII. PREVIOUS BANKRUPTCY MATTERS (For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court. Use a separate attachment if necessary)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

IX. This case

is not a refiling of a previously dismissed action.

FILED: AUGUST 29, 2008

08CV4949

is a refiling of case number _____, previously dismissed by Judge _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

JUDGE CONLON

MAGISTRATE JUDGE SCHENKIER